

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

Manuel LISEA-Jimenez,

Defendant(s)

) Magistrate Case No. **08 FEB 28 AM 11:20**
) **'08 MJ 0594**
) CLERK OF DISTRICT COURT
) SOUTHERN DISTRICT OF CALIFORNIA
) **CP** DEPUTY

) COMPLAINT FOR VIOLATION OF:

) Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)
) Transportation of Illegal
) Aliens
)
)
)

The undersigned complainant, being duly sworn, states:

On or about **February 26, 2008**, within the Southern District of California, defendant **Manuel LISEA-Jimenez** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Omar BENITEZ-Perez, Genaro CALVA-Benitez, and Genaro CASTANEDA-Castro** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 28th DAY OF FEBRUARY
2008



Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

Manuel LISEA-Jimenez

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Omar BENITEZ-Perez, Genaro CALVA-Benitez, and Genaro CASTANEDA-Castro** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On February 26, 2008 at approximately 3:09 P.M. Border Patrol Agents S. Gandre and N. Gonzalez were working anti-smuggling duties in plainclothes. They were traveling north on Interstate 15 near Carmel Mountain Road in an unmarked service sedan, when they noticed a green Dodge Durango driving in the number three lane next to them. The agents noticed the driver, later identified as the defendant **Manuel LISEA-Jimenez**, a front seat passenger and multiple passengers in the rear seat area of the Durango. The multiple occupants caused the vehicle to ride lower than normal in the rear due to its weight. The agents observed that the defendant was constantly looking around in traffic lanes. This appeared to the agents as unusual and indicative of nervous behavior. The agents also noticed the Durango had a temporary tag in the rear view window. In the agent's experience, the above indicators were consistent with alien smuggling conditions and behaviors. The agents decided to follow the Durango for further investigation.

As the Durango approached the Murrieta Border Patrol Station's area of operation, Agents Gandre and Gonzalez radioed ahead to Agent K. Martinez, who was in full uniform and in a marked sedan, and advised him of their observations and that the Durango was approaching Mission Road. Agent Martinez waited at the Mission Road on-ramp for the Durango to arrive. As the Durango approached the Mission Road exit, Agents Gandre and Gonzalez observed that the rear seat passengers were no longer visible and remained this way as they approached Agent Martinez's position. As the Durango passed the Mission Road over-pass, Agent Martinez pulled in behind it and Agents Gandre and Gonzalez followed from a distance.

Agent Martinez, observed the defendant and front seat passenger look over at him and immediately stiffen their body positions and face the road. Agent Martinez decided to attempt a vehicle stop for an immigration inspection. Agent Martinez activated his emergency equipment to stop the Durango. The Durango failed to yield to agent Martinez's service sedan. After a brief pursuit, Agent Martinez was notified by Supervisory Border Patrol Agent A. Velez to terminate the pursuit once Plainclothes Agents took over primary surveillance again. Agent Martinez acknowledged and terminated the pursuit south of the Highway 79 exit.

Senior Patrol Agent M. Perez, also a Plainclothes Agent, positioned himself in the center median of the freeway in an attempt to deploy a CTDD(Controlled Tire Deflation Device). The defendant of the vehicle noticed Agent Perez and swerved into the dirt area of the center median and avoided the CTDD. The vehicle entered Interstate 215, Agent Perez observed the vehicle driving in an erratic manner, driving on the shoulder and cutting in and out of traffic. Agent Perez observed the vehicle exit on 4th Street in Perris, California and make a right onto Redlands Road. The Durango drove through stop signs and red lights when it turned around and headed back for Interstate 15. Senior Patrol Agent E. Ortega positioned himself on the on ramp to I-215 from Nuevo Rd, and prepared to deploy the CTDD. Agent Ortega observed the vehicle enter the highway and successfully deployed the CTDD puncturing the vehicles front tires. The Durango continued to

CONTINUATION OF COMPLAINT:**Manuel LISEA-Jimenez**

travel northbound in number four lane as the right front tire became deflated. The Durango slowly came to a stop on the center median approximately a quarter mile south Ramona Expressway and I-215.

Agents approached the vehicle and identified themselves as United States Border Patrol Agents in the Spanish language. Agent A. Velez approached the vehicle on the driver side and noticed that the driver of the vehicle had left the vehicle unattended and jumped into the rear passenger seat area. A total of seven individuals were taken out of the Durango; all individuals were asked to state their citizenship; all individuals freely admitted to being illegally present in the United States and to being a citizens of Mexico. The defendant was positively identified as the driver by Agents Gandre, Gonzalez, and Perez. At 3:30 PM, the defendant and the six passengers were placed into service custody and transported to the Murrieta Station for further processing.

DEFENDANT STATEMENT:

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally. The defendant stated was going to drive in lieu of paying a fee of \$1800.00

MATERIAL WITNESSES STATEMENTS:

Material witnesses **Omar BENITEZ-Perez, Genaro CALVA-Benitez, and Genaro CASTANEDA-Castro** agree in summary that they are citizens and nationals of Mexico illegally present in the United States. They admit to entering the United States illegally. The material witnesses stated that they were to pay a fee to be smuggled into the United States. All three material witnesses were shown a photographic line up and were able to identify defendant **Manuel LISEA-Jimenez** as the driver.